

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
SRI ENERGY LLC, :
:
Plaintiff, : 22-CV-10431 (JMF)
-v- :
:
CLEAN ENERGY NEXUS LLC, :
:
Defendant. :
:
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JESSE M. FURMAN, United States District Judge:

The Court has received the attached email from Defendant Clean Energy Nexus LLC’s (“CEN”) Chief Executive Officer, Joaquin Altenberg.

As this Court has previously explained, *see* ECF No. 33, the Court may not communicate with *pro se* parties through email. Nor, under the Court’s rules, may any party — whether represented by counsel or otherwise — submit substantive case-related communications by email to the Court.

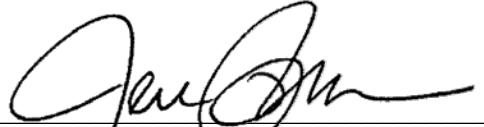
More significantly, as the Court has explained multiple times, *see e.g., id.*, a corporate entity may appear in federal court only through counsel, *see Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007) (per curiam), and where such an entity “repeatedly fails to appear by counsel, a default judgment may be entered against it,” *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted).

The hearing scheduled for **June 27, 2023, at 10:00 a.m.**, will be held as scheduled. The conference will be held remotely by telephone in accordance with Paragraph 3.B of the Court’s Individual Rules and Practices in Civil Cases. Counsel should join the conference by calling the Court’s dedicated conference line at (888) 363-4749 and using access code 542-1540, followed by the pound (#) key. **If CEN does not appear through counsel admitted to practice in this District, the Court may grant Plaintiff SRI Energy LLC’s motion for entry of default judgment.**

No later than TODAY at 5 p.m., Plaintiff shall email a copy of this Order to Altenberg and, no later than June 26, 2023, Plaintiff shall file proof of such service.

SO ORDERED.

Dated: June 23, 2023
New York, New York


JESSE M. FURMAN
United States District Judge

Furman NYSD Chambers

From: Joaquin Altenberg <joaquin@cleanenergynexus.com>
Sent: Friday, June 23, 2023 12:52 PM
To: Leon, Jeffrey A.
Cc: Furman NYSD Chambers; Lewis, Kenneth M.; Steer, Jeanne
Subject: Re: Case 1:22-cv-10431-JMF SRI Energy LLC v. Clean Energy Nexus LLC: Plaintiff's Rule 3.B.i. Email For June 27, 2023 Order to Show Cause Hearing

CAUTION - EXTERNAL:

Judge and Jeffrey,

I have been trying to secure an attorney to respond by the time of this hearing. I do not believe this is the right jurisdiction as the project is in Puerto Rico, we both operate our businesses in Puerto Rico and we have no nexus with New York, we are opposed to a default judgment and we do not believe this suit has merit as the Plaintiff breached the contract through fraudulent inducement, claiming they controlled the project and could perform on it when in fact they had agreed to pay another party fees unbeknownst to us and in violation of our agreement and did not meet a minimum of criteria to perform on the contract.

Best,

Joaquin Altenberg
CEO
Clean Energy Nexus PR

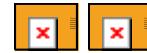


O: [\(939\) 545-8378](tel:(939)545-8378) | C: [\(917\) 553-0803](tel:(917)553-0803)

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www.cleanenergynexus.com

53 Calle Palmeras, Suite 601, San Juan, PR 00901



[Book a Meeting](#)

On Fri, Jun 23, 2023 at 11:15 AM Leon, Jeffrey A. <JLeon@whitefordlaw.com> wrote:

In accordance with Rule 3.B.i. of the Court's Individual Rules and Practices in Civil Cases, counsel who may speak for Plaintiff at the June 27, 2023 conference are: (i) Jeffrey Leon, phone no. (312) 399-4507; and (ii) Kenneth Lewis, phone no. (914) 761-8400. Defendant has not appeared or opposed Plaintiff's motion for default judgment, nor has Defendant responded to my June 20 email informing Defendant of the Court's Order scheduling the Show Cause Hearing on the default judgment motion.

I have copied Mr. Altenberg, Defendant's CEO, on this email.

Please let us know if the Court needs anything further prior to Tuesday's hearing.

Respectfully,

Jeffrey A. Leon

WHITEFORD

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